

Joseph H. Smolinsky  
**WEIL, GOTSHAL & MANGES LLP**  
 767 Fifth Avenue  
 New York, New York 10153  
 Telephone: (212) 310-8000  
 Facsimile: (212) 310-8007

*Attorneys for Motors Liquidation  
 Company GUC Trust - Appellee*

**UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK**

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<b>In re</b>	: <b>Chapter 11 Case No.</b>
	:
<b>MOTORS LIQUIDATION COMPANY, et al.,</b>	: <b>09-50026 (REG)</b>
<b>f/k/a General Motors Corp., et al.</b>	:
	:
<b>Debtors.</b>	: <b>(Jointly Administered)</b>
	:
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**MOTORS LIQUIDATION COMPANY  
 GUC TRUST’S COUNTER-DESIGNATION OF  
 ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON  
APPEAL IN CONNECTION WITH THE APPEAL OF SHERIF KODSY**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, the Motors Liquidation Company GUC Trust (the “**GUC Trust**”), formed by the above-captioned debtors (collectively, the “**Debtors**”)<sup>1</sup> in connection with the *Debtors’ Second Amended Joint Chapter 11 Plan*, dated March 18, 2011 (the “**Plan**”) submit the following counter-statement of issue presented on appeal and counter-designation of additional items to be included in the record in connection with the appeal of Sherif Kodsy (“**Mr. Kodsy**” or “**Appellant**”) from the March 25,

<sup>1</sup> The Debtors are Motors Liquidation Company (f/k/a General Motors Corporation) (“**MLC**”); MLCS, LLC (f/k/a Saturn, LLC); MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation); MLC of Harlem, Inc. (f/k/a Chevrolet-Saturn of Harlem, Inc.); Remediation and Liability Management Company, Inc. (“**REALM**”); and Environmental Corporate Remediation Company, Inc. (“**ENCORE**”).

Each of the Debtors dissolved by December 15, 2011. Pursuant to the Plan (as hereinafter defined), the GUC Trust has the exclusive authority to resolve claims against the Debtors. As such, the GUC Trust is the proper appellee for this appeal.

2015 order (ECF No. 13104) (the “**Order**”) of the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) (Gerber, J.) expunging proof of claim number 69683 filed by Sherif Rafik Kodsy (the “**Claim**”).

**COUNTER-STATEMENT OF ISSUE ON APPEAL**

Whether the Bankruptcy Court properly expunged the Claim on the basis that the Florida Action was fully resolved in favor of the GUC Trust and dismissed?

**COUNTER-DESIGNATION OF RECORD<sup>2</sup>**

<b>Designation Number</b>	<b>Date of Filing</b>	<b>ECF Number</b>	<b>Description</b>
1	7/5/2009	2968	Order (I) Authorizing Sale of Assets Pursuant to Amended and Restated Master Sale and Purchase Agreement with NGMCO, Inc., a U.S. Treasury-Sponsored Purchaser; (II) Authorizing Assumption and Assignment of Certain Executory Contracts and Unexpired Leases in Connection with the Sale; and (III) Granting Related Relief
2	9/16/2009	4079	Order Establishing the Deadline for Filing Proofs of Claim Against MLC, MLCS, LLC, MLCS Distribution Corporation, MLC of Harlem, Inc., and MLC of Harlem, Inc.
3	12/2/2009	4586	Order Establishing the Deadline for Filing Proofs of Claim Against REALM and ENCORE
4	12/18/2009	4681	Order Establishing the Deadline for Filing Proofs of Claim with Respect to Claims Relating to Certain Properties
5	1/4/2010	N/A	Proof of Claim No. 69683 filed by Sherif Kodsy
6	2/23/2010	5037	Order Pursuant to 11 U.S.C. § 105(a) and General Order M-390 Authorizing Implementation of Alternative Dispute Resolution Procedures, Including Mandatory Mediation
7	4/29/2010	5673	Supplemental Order Authorizing Implementation of Alternative Dispute Resolution Procedures, Including Mandatory Mediation

<sup>2</sup> The GUC Trust reserves the right to amend this counter-designation of items to be included in the record on appeal. For items designated, the designation includes all documents referenced within the particular document number, including, without limitation, all exhibits, attachments, declarations, and affidavits related thereto.

<b>Designation Number</b>	<b>Date of Filing</b>	<b>ECF Number</b>	<b>Description</b>
8	9/21/2010	7050	Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
9	10/25/2010	7558	Amended Order signed Pursuant to 11 U.S.C. Section 105(a) and General Order M-390 Authorizing Implementation of Alternative Dispute Procedures, Including Mandatory Mediation
10	3/18/2011	9836	Debtors' Second Amended Joint Chapter 11 Plan
11	3/29/2011	9941	Findings of Fact and Conclusions of Law and Order Pursuant to Sections 1129(A) and (B) of the Bankruptcy Code and Rule 3020 of the Federal Rules of Bankruptcy Procedure Confirming Debtors' Second Amended Joint Chapter 11 Plan
12	5/3/2011	10152	Supplemental Order Granting Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
13	4/12/2012	11589	Objection to a Stipulated Order Between Motors Liquidation Company GUC Trust and Sherif Rafik Kody Providing for Limited Modification of the Automatic Stay and the Plan Injunction filed by Sherif Rafik Kody
14	4/13/2012	11604	Motion of Motors Liquidation Company GUC Trust for Limited Modification of the Automatic Stay and the Plan Injunction as to the Action Filed by Sherif Rafik Kody
15	5/8/2012	11689	Motors Liquidation Company GUC Trust's Reply to the Objection Filed by Sherif Rafik Kody to Order Providing for Limited Modification of the Automatic Stay and the Plan Injunction
16	5/22/2012	11743	Order Granting Motion of Motors Liquidation Company GUC Trust for Limited Modification of the Automatic Stay and the Plan Injunction as to the Action Filed by Sherif Rafik Kody
17	6/4/2012	11777	Second Amended Order Granting Motion to Supplement Amended Order Pursuant to 11 U.S.C. § 105(a) and General Order M-390 Authorizing Implementation of Alternative Dispute Procedures, Including Mandatory Mediation
18	12/17/2013	12564	Notice of Filing by the Motors Liquidation Company GUC Trust of Documents to be Referenced in a Counter-Designation of Items to be Included in the Record on Appeal in Connection with the Appeal of Sherif Kody
19	1/27/2015	13092	Notice of Presentment and Application for Order Expunging Claim by Sharif Rafiq Kody (Claim

Designation Number	Date of Filing	ECF Number	Description
			Number 69683)
20	3/24/2015	13099	Endorsed Order Re: Filings Received from Sherif Kody
21	3/25/2015	13103	Email Received from Sherif Kody on March 24, 2015 Re: Email Sent to Sherif Kody on March 24, 2015 Re: Endorsed Order Signed on 3/24/2015 Regarding Filings Received from Sherif Kody
22	3/25/2015	13104	Order Expunging Claim Filed by Sherif Rafik Kody (Claim Number 69683)
23	3/25/2015	13106	Response to the Debtors' Application for Order Expunging Claim filed by Sherif Rafiq Kody Claim Number (69863)
24	4/15/2015	13111	Notice of Appeal filed by Sherif Rafik Kody.
25	6/1/2009 – 04/15/2015	N/A	Docket for <i>Motors Liquidation Company, et al. (f/k/a General Motors Corp. et al.)</i> , Ch. 11 Case No. 09-50026 (REG) for 6/1/2009 through 04/15/2015

Dated: June 23, 2015  
New York, New York

/s/ Joseph H. Smolinsky  
Joseph H. Smolinsky  
**WEIL, GOTSHAL & MANGES LLP**  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007  
Email: joseph.smolinsky@weil.com

*Attorneys for Motors Liquidation  
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